

CHAPTER III

LAND MANAGEMENT IN *ḤADĪS*

The position of *Ḥadīs* in Islam is very important, it is a second source after Quran.¹ It reputed by muslim like that because it position as a explanation of Quran. prophet Muhammad have explained us about the content of Quran by oral directly, or by worked, or by agreement. Seeing the importance of the position of *Ḥadīs* for Muslims, then the knowledge of hadis began to be disseminated from the time of Prophet Muhammad and his companions were also ordered by the Prophet to propagate the *Ḥadīs* . However in practice the friends to be very careful in conveying hadis dubious when their memories.²

Accumulation *Ḥadīs* of the results companions reporting disseminated through narration (isnad through the circuit) has been recorded by many centuries scholars 2 H and 3 H with the diversity and quality of the systematic preparation of the *Ḥadīs* . Among the type of book that collects the *Ḥadīs al-masanid* (collecting *Ḥadīs* by name companions), *al-mushannafat* (collect *Ḥadīs marfu'*, *mauquf*, and *maqthu'* with systematic jurisprudence or *fiqh*), *al-Shihhah*

¹ Assiddiqi Fahmi BA, Etika pengelolaan Air dalam perspektif hadist, Thesis, Fakultas Ushuluddin, UIN Sunan Kalijaga Yogyakarta, Yogyakarta, 2008, p. 5.

² MM. Azami, *Metodologi Kritik Hadist*, Pusaka Hidayah, Jakarta, 1992, p. 79

(collect *Ḥadīṣ* Saheeh only), *al-Sunan* (collect *Ḥadīṣ marfu* 'only with systematic *fiqh*) and other types of books of *Ḥadīṣ* .

In the search of some *Ḥadīṣ* about land management is only restricted to the set of *Ḥadīṣ Mu'tabarah* book, known as *Kutub al-Shihhah al-Tis'ah* (nine books of *Shahih Hadis*, are *Shahih al-Bukhari*, *Shahih Muslim*, *Sunan al-Turmudzi*, *Sunan Abi Dawud*, *Sunan an-Nasa'i*, *Sunan Ibn Majah*, *Musnad Imam Ahmad* *bi* *Hanbal*, *Muwattha' Imam Malik* dan *ad-Darimi*). The reason that the ninth book of this *Ḥadīṣ* has been considered to represent the set of *Ḥadīṣ* books, particularly in terms of quality *Ḥadīṣ* in collecting.

The results of nine books the *Ḥadīṣ* the search, the researchers found several *Ḥadīṣ* that discuss soil management. *Ḥadīṣ* are then examined and sorted to be made in the form of a separate subchapters, that is:

A. *Ḥadīṣ* about Fomentation for Cultivating Land

- a. *Ḥadīṣ* was narrated by Jabir bin Abdillah about obligation to cultivate the land

حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى أَخْبَرَنَا الْأَوْزَاعِيُّ عَنْ عَطَاءٍ عَنْ جَابِرِ رَضِيَ اللَّهُ عَنْهُ قَالَ كَانُوا يَزْرَعُونَهَا بِالثُّلُثِ وَالرُّبْعِ وَالتَّصْنِيفِ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيَمْنَحْهَا فَإِنْ لَمْ يَفْعَلْ فَلْيَمْسِكْ أَرْضَهُ³

³ This Hadīṣ was narrated by al-Bukhārī in kitāb *Al-Muzara'ah*, chapter *Ma Kana min ashabun Nabi Shallallahu 'alaihi wa Sallam*, Lidwa Pustaka-i- Software : Kitab Hadis 9 Imam, Volume . 8, p.152, Number of Hadis. 2172. Similar text was narrated by Ahmad in chapter *Musnad Jabir bi*

The meaning :

“was narated to us ‘Ubaidullah bin Musa was tell to us al-Awza’iy from Jabir he was said : at previous the peoples has practicing on utilizing of land with a thrid, a quarter or a half than the Prophet said “ whoever have a land should be cultivated or gived. If he not doing that, he should be allowing it”.

The *Ḥadīṣ* meaning that, utilizing maximum of owned land is obligatory. The land owners should be aware and know about the functioning of the land he owns. Besides being a building, the land also as a place of food fields to their. When the land owners are reluctant to cultivate the land then it is advisable to give the land to another person in order to be processed or planted as it should. But it is not done then he should hold his land that is not presented on others or rent it.

Overview of the quality of the *Ḥadīṣ* above, that is:

- Globally the sanad status of *Ḥadīṣ* above can be regarded as *Shohihul Isnad* (chain of transmission quality of the all rowi is shohih) because in the chain of transmission is supported by a credible rowi (*tsiqah*) from the beginning till the end of the chain of transmission.

Abdullah. Muslim and ibn Mâjah in Chapter *Kara'u al-ardl* with addition word “وَلَا يُؤَاجِرُهَا إِيَّاهُ” replacing “فَلْيُمْسِكْ أَرْضَهُ”. Abû Dâwud in Chapter *fi Tasdi fi dzalika*, with addition in the end “وَلَا يَطْعَامُ مُسَمَّى”. Ad-Darimi in Cahpter *an-Nahyu 'an al-Mukhabarah* added “فَلْيُخْرِثْهَا” replacing “فَلْيُزْرَعْهَا”. al-Nasâî in Chapter *Dzikru al-Hadist al-mukhtalifah* added “وَلَا” replacing “فَلْيُمْسِكْ أَرْضَهُ”.

- Seen from the *Ḥadīṣ* above included in the hadith *Marfu'* as resting directly on the prophet Muhammad. and when viewed from the lane occupied companions *Aziz* level, whereas at the level *tabi'een* to the end, the *Ḥadīṣ* sanad *Masyhur*, it means that this *Ḥadīṣ* has martyred and *Tabi'* Muslims from the path, Bukhari, Ibn Majah, Muslim, An Nasa'I, Abu Dawud, Ad Darimi, Ahmad.⁴

B. *Ḥadīṣ* about The Primacy to cultivate the vacant land (*Ihya' al-Mawāt*)

1. *Ḥadīṣ* was narrated by Sa'id bin Zaid about *Ihya' al-Mawat*

عَنْ سَعِيدِ بْنِ زَيْدٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ مَنْ أَحْيَى أَرْضًا مَيِّتَةً فَهِيَ لَهُ وَلَيْسَ لِعِرْقٍ ظَالِمٍ حَقٌّ

The meaning :

from Sa'id ibn Zayd from the Prophet PBUH, he said: "Whoever turned the ground dead (open new land) then the land belongs to him, and no rights for people who have a land of oppression."

Abu 'Isa said: This *Ḥadīṣ* is *hasan gharib* and most of them have been narrated from Hisham ibn Urwa from his father from the Prophet PBUH was *mursal*.

⁴ Apendix 1

⁵ This *Ḥadīṣ* was narrated by al-Turmodzi in chapter *Ma dzakara fi Ihya' Ard al-Mawat*, Lidwa Pustaka-i- Software : Kitab 9 Imam *Ḥadīs*, Volume : 5, p. 248, Number of *Ḥadīs* 1300. Similar text was narrated by Malik in chapter *al-Qodlo' fi 'Imara al-Mawat*. Abu Dawud in Chapter *fi Ihya al-Mawat*.

According to Ahmad and Ishaq's, this *Ḥadīṣ* as guide charitable according to some scholars of the Prophet's companions and in addition to them, they argue, He may turn the land without the permission of the ruler died, while some scholars argue, He should not turn it on unless he got permission from the authorities. The first opinion is more *Shahih*. He says, In this case there is a similar hadith of Jabir, Amr bin 'Awf Al Muzani Katsir grandfather and Samurah. Have told us Abu Musa Muhammad ibn al Mutsanna he said, I asked Abu Al Walid Ath Thayalisi of his sayings: "There are no rights for people who have a land of oppression." He replied; People who have the wrongdoers are those who looted, he took something that was not hers. I asked; Is he the man who planted in the soil of others? He replied; He is.⁶

2. Al-Bukhori in his book also written *Ḥadīṣ* about this with different word like this :

حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ، حَدَّثَنَا اللَّيْثُ، عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: " مَنْ أَعْمَرَ أَرْضًا لَيْسَتْ لِأَحَدٍ فَهُوَ أَحَقُّ " ^٧

The meaning :

⁶ *ibid*

⁷ This Hadist was narrated by Al-Bukhori in Chapter *Man Ahya Ard Mawatan*, Lidwa Pustaka-i- Software : Kitab Hadis 9 Imam, Volume : 8, p. 145, Number of Hadis. 2167.

Have told us Yahya bin Bukair have told us Al Layth of 'Ubaidullah bin Abi Ja'far Muhammad ibn' Abdurrahman from 'Urwah from' Aishah radliallahu 'anha from the Prophet PBUH: "Who does not utilize land no owner (no man's land), that person most entitled to it ". 'Urwah said:' Umar radliallahu 'anhu apply it in the caliphate.

Above *Ḥadīṣ* explains that anyone who planted a land that is not taken care of or dies then he is entitled to what is on the ground. *Ḥadīṣ* can be used as a basis to open an empty land, but that is the position we need to realize here was limited to tenants, while we are entitled to have is a result of the cultivation of the land is not land, because the real nature of the landowner is God who has authorized the government (State). Some facts in the field are found misunderstanding in this dead land use, among which make the area as a place of settlement or villa without regard to spatial planning and environmental system.

Overview of the quality of the hadith above, that is:

- Globally the sanad status of *Ḥadīṣ* above can be regarded as ***Shohihul Isnad*** (chain of transmission quality of the all rowi is shohih) because in the chain of transmission is supported by a credible rowi (*tsiqah*) from the beginning till the end of the chain of transmission.
- Seen from the above *Ḥadīṣ* kind included in the hadith ***Marfu'*** as resting directly on the prophet Muhammad. and when seen in the *Ḥadīṣ* occupy the third level ***Aziz***, whereas the level 1, 2, 4 to end is Masyhur. In other words it

hadis has the Shahih and tabi 'of track bukhori, Malik, Al-Darimi, Abu Dawud, At-Tirmidhi, and an-Nasa'i.⁸

C. *Ḥadīṣ* about the shape of the land management practices that are prohibited

1. *Ḥadīṣ* prohibition *Muzara'ah*

حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ أَخْبَرَنَا يَحْيَى بْنُ حَمَّادٍ أَخْبَرَنَا أَبُو عَوَّانَةَ عَنْ سُلَيْمَانَ الشَّيْبَانِيِّ عَنْ عَبْدِ اللَّهِ بْنِ السَّائِبِ قَالَ دَخَلْنَا عَلَى عَبْدِ اللَّهِ بْنِ مَعْقِلٍ فَسَأَلْنَاهُ عَنِ الْمُزَارَعَةِ فَقَالَ زَعَمَ ثَابِتٌ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُزَارَعَةِ وَأَمَرَ بِالْمُؤَاجَرَةِ وَقَالَ لَا بَأْسَ بِهَا⁹

The Meaning:

Have told us Ishaq bin Manshur has told us Yahya bin Hammad has told us Abu 'Awanah dari Sulaiman As Syaibani from Abdullah bin As Sa`ib he said; I go to meet Abdullah bin Ma'qil and ask a question about *Muzara'ah*. He said; that Tsabit's said that Prophet PBUH prohibit of *Muzara'ah* practice and he is command to *Mujarah* (pay). Ma'qil continuing; "no matter if by *Mujarah*"

2. *Ḥadīṣ* Prohibit *Mukhābarah* and *Muḥāqolah*

Ḥadīṣ was narrated by Jabir bin Abdullah

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ، حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا " نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ

⁸ Apendix 2

⁹ This *Ḥadīṣ* was narrated by Muslim, Lidwa Pustaka-i- Software : Kitab *Ḥadīṣ* 9 Imam, Number of Hadis. 2891.

وَسَلَّمَ عَنِ الْمُخَابِرَةِ، وَالْمُحَاقَلَةِ، وَعَنِ الْمُرَابِنَةِ، وَعَنْ بَيْعِ الشَّمْرِ حَتَّى
يَيْدُوَ صِلَاحُهَا، وَأَنْ لَا تُبَاعَ إِلَّا بِالْدَيْنَارِ وَالدِّرْهَمِ إِلَّا الْعَرَابَا¹⁰

The meaning :

Have told us 'Abdullah ibn Muhammad has told us Ibn' Uyainah of Ibn Jurayj from 'Ata' he heard Jabir bin 'Abdullah radiallahu' anhuma; The Prophet PBUH forbade Al Mukhaobarah, Al Muhaaqalah, Al Muzaabanah and selling fruit (of the trees) to have appeared good and should not be sold for anything from him other than the dinar and dirham except' ariyyah ".

Based on the above *Hadīs* forms of land management at the time of the Prophet that forbidden *Muzara'ah* . It is work a land (other person) like the field or farm with on a fee-paid partly of the result (half, third or quarter). Meanwhile, seeds and costs of working are guaranteed by the land owner. While *mukhābarah* is work a land (other person) like the field or farm with on a fee-paid partly of the result (half, third or quarter). Meanwhile, seeds and costs of working are guaranteed by yeoman.

Prohibition The essence of the issue is in *gharar*. Because of one of party may be harmed. Therefore, each party should take the part of the land with a mutually agreed ratio. If the result is that many, then both sides will come to feel it, and

¹⁰ This *Hadīs* was narrated by Al-Bukhori in Kitab : Al-Musaqah (mengairi tanaman), Chapter : Seseorang yang tempat lewat, atau tempat minum pada kebun, atau kurma, Lidwa Pustaka-i- Software : Kitab *Hadīs* 9 Imam, Number of Hadis. 2207.

if the result bit, both of them will get a little bit anyway. And if it did not produce anything, then both will suffer losses. This way is more fun lives on both sides.

D. *Hadīṣ* About The Primacy Of Planting Trees

ثَنَا بَهْزٌ، ثَنَا مَادِدٌ، ثَنَا هِشَامُ بْنُ زَيْدٍ، قَالَ: سَمِعْتُ أَنَسَ بْنَ مَالِكٍ، قَالَ: قَالَ رَسُولُ اللَّهِ: " إِنْ قَامَتِ السَّاعَةُ وَبِيَدِ أَحَدِكُمْ فَسِيلَةٌ فَإِنْ اسْتَطَاعَ أَنْ لَا يَقُومَ حَتَّى يَغْرِسَهَا فَلْيَفْعَلْ " ¹¹

The meaning:

When the time comes and at the hand of anyone there is seed of dates if possible to plant it, do it.

From the *Hadīṣ* above, it gives the sense that it is very important to plant trees. Who feels the effect is not only us, but our grandchild either. By planting trees, it will be able to maintain the circulation of the air we breathe. It will keep it clean, free from pollution, and also make the beautiful scenery.¹²

This world is full of various plant –big and small- with the result of colorful fruits, not just a form of appearance, but also a

¹¹ Aḥmad, *Musnad Aḥmad*, Lidwa Pustaka-i- Software : Kitab Hadis 9 Imam, No. 12435, 12512.

¹² This is suitable with the ḥadīth narrated by Al-Quḍā'ī, *Musnad asy-Syihāb al-Qaḍā'ī* (Beirut: Muassasah ar-Risālah, 1986), 2nd p. 193as below:

The meaning: "Seeing the something green will add the good in sight, and seeing the beautiful girl will also add the good sight."

sense, although the plant was living on the same soil being irrigated with the same water.

Therefore, it is an obligation for mankind to preserve the tress that had been very useful for water catchment, the balance of nature, and producing oxygen which is very valuable for life. Humans should not damage any plants.

E. *Hadīs* About A Respect For The Land Manager

a. *Hadīs* was narrated by Jabir bin Abdullah

حَدَّثَنَا ابْنُ نُؤْمَيْرٍ حَدَّثَنَا أَبِي حَدَّثَنَا عَبْدُ الْمَلِكِ عَنْ عَطَاءٍ عَنْ جَابِرٍ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَا مِنْ مُسْلِمٍ يَغْرِسُ غَرْسًا إِلَّا كَانَ مَا أَكَلَ مِنْهُ لَهُ صَدَقَةٌ وَمَا سُرِقَ مِنْهُ لَهُ صَدَقَةٌ وَمَا أَكَلَ السَّبْعُ مِنْهُ فَهُوَ لَهُ صَدَقَةٌ وَمَا أَكَلَتِ الطَّيْرُ فَهُوَ لَهُ صَدَقَةٌ وَلَا يِرْزُوهُ أَحَدٌ إِلَّا كَانَ لَهُ صَدَقَةٌ¹³

The meaning:

It is not a Muslim who plant a plant, except the results are consumed (by birds or other animals) of the tree is ṣadaqah for him, and which is taken from a person, is also a ṣadaqah, what has been eaten by animals and birds are also a ṣadaqah, and what is taken by a person is also a ṣadaqah.

This *Hadīs* explained the primacy of planting. The reward will continue to flow as long as the life of tree until the day of

¹³ Muslim, *Ṣaḥīḥ Muslim*, No. 2900, 2901, 2902, 2903, *Kitāb al-Masāqāt* in CD-ROM *Mausū'ah al-Ḥadīth asy-Syarīf al-Kutub at-Tis'ah* (Global Islamic Software Company, 1997). Similar text was narrated by Aḥmad Ibn Ḥanbal, *Musnad Aḥmad*, No. 13753, 14668, *Bāqī Musnad al-Mukaththirīn* in CD-ROM *Mausū'ah al-Ḥadīth asy-Syarīf al-Kutub at-Tis'ah*, and Ad-Dārimī, *Sunan Ad-Dārimī*, No. 2496, *Kitāb al-Buyū'* in CD-ROM *Mausū'ah al-Ḥadīth asy-Syarīf al-Kutub at-Tis'ah*.

resurrection. In another ḥadīth explained that that reward is specific for the Muslim in the afterlife. While the man commonly only be rewarded for what was stolen or eaten by animals or birds.¹⁴

In the hadis narrated by Ahmad was also stated:

حَدَّثَنَا عَلِيُّ بْنُ بَحْرٍ قَالَ حَدَّثَنَا بَقِيَّةٌ قَالَ حَدَّثَنَا ثَابِتُ بْنُ عَجَلَانَ قَالَ حَدَّثَنِي الْقَاسِمُ مَوْلَى بَنِي يَزِيدَ عَنْ أَبِي الدَّرْدَاءِ أَنَّ رَجُلًا مَرَّ بِهِ وَهُوَ يَغْرِسُ غَرْسًا بِدِمَشْقَ فَقَالَ لَهُ أَتَفْعَلُ هَذَا وَأَنْتَ صَاحِبُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ لَا تَعْجَلْ عَلَيَّ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ مَنْ غَرَسَ غَرْسًا لَمْ يَأْكُلْ مِنْهُ آدَمِيٌّ وَلَا خَلْقٌ مِنْ خَلْقِ اللَّهِ عَزَّ وَجَلَّ إِلَّا كَانَ لَهُ صَدَقَةٌ¹⁵

The meaning:

A man passed Abu Darda' when he planted crops in Damascus. The man asked him: why you do this, while you are a friend of Prophet? Abu Darda' said: do not be surprised with me, I've heard the Messenger of Allah said: Whoever planted crops, and nor man and other creatures eat them except become Ṣadaqah to him.

From the two of *Ḥadīṣ* above, it gives the value that is very valuable as the tool of contemplation, it means the presence of environmental stewardship provides two rewards at the same time, the reward of heaven on earth in the form of a happy and

¹⁴ See An-Nawawiy, *Al-Manhāj Syarh Ṣaḥīḥ Muslim Ibn al-Ḥajjāj* (Beirut: Dār al-Ihyā' al-Arabīy: 1392 H), 2nd p.213.

¹⁵ Aḥmad, *Musnad Aḥmad*, Lidwa Pustaka-i- Software : Kitab Hadis 9 Imam, No. 26234.

prosperous life in a clean environment, beautiful and green, and the reward of paradise in the hereafter in later day.

F. *Ḥadīṣ* About The Protected Areas (*Hima'*)

a. *Ḥadīṣ* was narrated by Jabir bin Abdullah

حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ حَدَّثَنَا اللَّيْثُ عَنْ يُونُسَ عَنْ ابْنِ شِهَابٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُثَيْبَةَ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ الصَّعْبَ بْنَ جَثَامَةَ قَالَ إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَا حِمَى إِلَّا لِلَّهِ وَلِرَسُولِهِ يَحْيَى وَقَالَ بَلَّغْنَا أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَمَى التَّقِيعَ وَأَنَّ عُمَرَ حَمَى السَّرْفَ وَالرَّبْدَةَ^{١٦}

The meaning:

Have told us Yahya bin Bukair have told us Al Layth from Yunus from Ibn Shihab from 'Ubaidullah bin' Abdullah bin 'Utba from Ibn' Abbas radiallahu 'anhuma that Ash Sha'ba bin Jutsamah said; That the Prophet sallallaahu 'alaihi wasallam has said: "There is no himaa except Allah and His Messenger". Yahya said; Have come down to us that the Prophet sallallaahu 'alaihi wasallam never set himaa in Naqi' being 'Umar used to assign hima in As-Nerves and Ar-Rabdzah "

¹⁶ Bukhari, Book of *Al-Musaqah (mengairi tanaman)*, chapter *Tidak ada daerah larangan kecuali milik Allah dan rasul-Nya*, Lidwa Pustaka-i-Software : Kitab Hadis 9 Imam, No. Hadist : 2197. Similar text was narrated by Abu Daud, Book of *Pajak, Kepemimpinan dan Fai*, Chapter *Lahan yang diambil alih oleh imam atau oleh seseorang*, Lidwa Pustaka-i- Software : Kitab Hadis 9 Imam, No. Hadist : 2679, 2680.

b. Ad-darimi also said about that,

أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ الزُّبَيْرِ، حَدَّثَنَا الْفَرَجُ بْنُ سَعِيدٍ، قَالَ: أَخْبَرَنِي عَمِّي ثَابِتُ بْنُ سَعِيدٍ، عَنْ أَبِيهِ سَعِيدٍ، عَنْ جَدِّهِ أَبِيضَ بْنِ حَمَّالٍ، أَنَّهُ سَأَلَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ حِمَى الْأَرَاكِ؟ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا حِمَى فِي الْأَرَاكِ» فَقَالَ: أَرَاكَةَ فِي حِطَارِي؟ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا حِمَى فِي الْأَرَاكِ» قَالَ فَرَجٌ: " يَعْنِي أَبِيضُ: بِحِطَارِي: الْأَرْضَ الَّتِي فِيهَا الزَّرْعُ الْمُحَاطُ عَلَيْهَا " ¹⁷

The meaning :

It has been preached to us Abdullah bin Az Zubair has told us Al Faraj ibn Sa'id, he said; my uncle has told me that Thabit ibn Sa'id from his father from his grandfather that Sa'eed bin Abyadh Hammal namely, that he asked the Messenger sallallaahu 'alaihi wasallam regarding Syiwak protected land. Prophet sallallaahu 'alaihi wasallam said: "There is no land syiwak protected." He said again; "(tree) is in lahanku Syiwak been fenced off." The Prophet sallallaahu 'alaihi wasallam said: "There is no land syiwak protected." Faraj said; "What is meant by hazhari Abyadh there is land the plants that surround the land."

According to Al- Bani this Hasan *Ḥadīṣ* but the *Sanad* is *Shahih*. Two above *Ḥadīṣ* explains that Hima 'is a special area created by the Prophet or the king in a country. The purpose of made

¹⁷ Ad-darimi, *Sunan Ad-Darimi*, Chapter *ma fi al-hima*, Dar al-Mughni, Makah, 2000, volume. 3, p. 1704, no. 2653. 2497. Similar Al-bukhori, Chapter *la hima illa lillah wa li rasulillah*, juz 3, p. 113, no. 2370. And Abu Dawud, Chapter *Iqtha' al Ardiina*, juz 3, p. 175, no. 3066.

Hima' is to create a nature reserve or protected forests, where timber harvesting, grass, grazing, hunting, or exploitation of certain natural resources is prohibited. Hima 'also usually create in the area in which live and breed certain animals or plants that be taken shelter and preserved by government. All the people have no right to destroy Hima ', because in essence Hima' is the property of God.

Hima' is certain land set aside by the priest / ruler to shepherd such as camel results alms. At times Jahiliyyah, if a leader wants to make the ban on land that he wants devoting it, the leaders would send a dog howling transform in high places. Until the dog howling sound that does not sound from all directions, which is the boundary of the land set aside. Special land that is not allowed for the general public such as for herding cattle and only allowed for the leaders, but also leaders are allowed to use the land that became public facilities along with the others. At the time of the prophet, the practice of making the land ban (Hima') is prohibited unless that makes it is the Apostle of God or people who replace (*Khulafaurrasyidin*) as has been done by them to graze cattle alms results. Hima' made by the caliphs not for their personal interests, but for the beneficiaries concerning the interests of the ummah.¹⁸

¹⁸ Muhammad bin al-Amir ash-Shan'ani, *Subulus Salam*, Toha putra, Semarang, Vol. 2. Juz 3 Hal. 83